1949.

File No. O. Talukdars 49

Legal Deptt.

A **BRANCH**

Subject:— Opinions under the

Gujarat — Talukdars

Act 1888.

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C O N T E N T S

Legal Department File No. O. Talukadars/ 49

Sr. No.	K.I./O.No.	Subject	Pages
		Gujrat Talukadars Act, 1888	
1.	1743 5.2.49	Sec. 31(1) -- Bom.Coop Societies Act, 1925- Sec. 24AA -- Whether Sec. 24AA over sides Sec. 31(1) of ----	1-2
	2.94 14-3-49		

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R-I No. 1743
5/21/49

Office of the R.L.A.

The Gujrat Talukdars Act, 1888
Section 31(1)

The Bombay Co-Operative Societies Act, 1925
section 24 AA.

What section 24 AA of the Bombay Co-operative Societies Act, 1925, intends to provide is that notwithstanding anything contained in this Act, or in any other law for the time being in force a declaration made by an agricultural debtor-applicant agreeing to have a charge created on his immoveable property shall have the legal effect of a charge on such property. Apparently this provision over-rides any other law prescribing the manner of creating a valid charge on immoveable property: See for instance section 17(1) (b) of the Registrat on Act and section 100 of the Transfer of Property Act. But it does not intend to free the immovable. property from restriants imposed by other Acts in respect of creating a valid charge. Consequently section 24AA of the Bombay Co-operative Societies Act does not over-ride section 31(1) of the Gujrat Taluqdars' Act. This question would be of academic importance since Government intends to abolish the Taluqdari tenure shortly

Sd/- P.M.Lad
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o.c

Remembrancer of Legal Affairs.

U.R. to R.D. No. 2894 dated the 14th March, 1949.

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4 Cs.